

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 13, 2011

No. 11-10089
Summary Calendar

Lyle W. Cayce
Clerk

TOM FRANKLIN,

Plaintiff-Appellant

v.

US BANK NATIONAL ASSOCIATION; GMAC MORTGAGE,

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:10-CV-847

Before BENAVIDES, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Tom Franklin moves this court for leave to proceed in forma pauperis (IFP) in this appeal from the district court's dismissal of his civil action. The district court dismissed Franklin's complaint without prejudice for failure to prosecute after Franklin did not respond to a court order requiring him to provide financial information necessary to determine whether he was eligible to proceed IFP in the district court.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Franklin's motion for leave to proceed IFP and accompanying financial affidavit fail to address the district court's rationale for dismissing Franklin's complaint. Although we liberally construe pro se filings, *see Haines v. Kerner*, 404 U.S. 519, 520 (1972), even pro se litigants must raise arguments in order to preserve them. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). By failing to discuss the district court's rationale for dismissing his complaint, Franklin has abandoned the issue, and it is the same as if he had not appealed the judgment. *See Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Furthermore, the record shows that Franklin failed to follow a court order to provide financial information necessary to determine whether he was eligible to proceed IFP, and Franklin's averment in this court that he receives no income contradicts his sworn statements in the district court that he receives Social Security benefits.

Because Franklin has failed to demonstrate that he will raise a nonfrivolous issue on appeal, his motion for leave to proceed IFP is denied. *See* FED. R. APP. P. 24(a); *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). The appeal is without arguable merit, *see Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983), and it is dismissed as frivolous. *See* 5TH CIR. R. 42.2.

MOTION FOR IFP DENIED; APPEAL DISMISSED.